

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
MCALLEN DIVISION**

TEXAS BANKERS ASSOCIATION; RIO)
BANK, MCALLEN, TEXAS;)
AMERICAN BANKERS ASSOCIATION,)

Plaintiffs,)

v.)

Case No. 7:23-cv-00144

CONSUMER FINANCIAL)
PROTECTION BUREAU and ROHIT)
CHOPRA, in his official capacity as)
Director of the Consumer Financial)
Protection Bureau,)

Defendants.)

ORDER

Before the Court is the Emergency Motion for Preliminary Injunction (the “Motion”) filed by Farm Credit Council (the “Council”), Texas Farm Credit (“TFC”), and Capital Farm Credit (“CFC”) (collectively, the “Farm Credit Intervenors”). The Court finds that the Farm Credit Intervenors are likely to succeed on the merits of their claims and that, if the Motion is not granted, the Council’s members, including TFC and CFC, will be irreparably harmed by Defendants’ implementation of the final rule (the “Final Rule”) entitled *Small Business Lending Under the Equal Credit Opportunity Act (Regulation B)*, 88 Fed. Reg. 35,150 (May 31, 2023), because, under the ruling by the U.S. Court of Appeals for the Fifth Circuit in *Community Financial Services Association of America, Ltd. v. CFPB*, 51 F.4th 616 (5th Cir. 2022), *cert. granted*, 143 S. Ct. 978 (2023) (“*Community Financial*”), the Final Rule is unconstitutional and unenforceable. The Court further finds that the balance of the equities favors a preliminary injunction. Accordingly, it is hereby

ORDERED that the Motion is granted; it is further

ORDERED that Defendants are hereby preliminarily enjoined from implementing the Final Rule against CFC, TFC, and the Council's members pending the U.S. Supreme Court's final decision in *Community Financial*, a trial on the merits of this action, or until further order of this Court; it is further

ORDERED that Defendants shall immediately cease all implementation of the Final Rule against CFC, TFC, and the Council's members; it is further

ORDERED that all deadlines for the CFC, TFC, and the Council's members to comply with the requirements of the Final Rule are hereby stayed until after the Supreme Court's final decision in *Community Financial*; it is further

ORDERED that, in the event of a reversal in *Community Financial*, Defendants shall extend all deadlines for compliance with the Final Rule for CFC, TFC, and the Council's members to compensate for the period stayed; it is further

ORDERED that no security bond shall be required under Federal Rule of Civil Procedure 65(c).

Entered on this ____ day of _____, 2023.

The Honorable Randy Crane
United States Chief District Judge